

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____X

MATTHEW R. GILREATH,

Plaintiff,

-against-

STAFFORD FOOD SERVICE,

Defendant.

_____X

FEUERSTEIN, J.

ORDER

11-CV-3516 (SJF)(ARL)

FILED

IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ OCT 19 2012 ★

LONG ISLAND OFFICE

On July 20, 2011, incarcerated pro se plaintiff Matthew R. Gilreath ("plaintiff") filed a complaint pursuant to 42 U.S.C. § 1983 alleging that he was injured as a result of improper food handling at the Nassau County Correctional Facility and that the medical care he received for his injury was inadequate. [Docket Entry No. 1]. By Order dated August 31, 2011, the complaint against Sheriff Michael Sposoto and Undersheriff James Ford was dismissed sua sponte. [Docket Entry No. 9]. By Order dated October 25, 2011, plaintiff's claims for inadequate medical care were dismissed with prejudice. [Docket Entry No. 14]. On June 5, 2012, the remaining defendants moved to dismiss the complaint in its entirety. [Docket Entry No. 18]. At a status conference held on July 10, 2012, the Court directed that plaintiff's response to the motion to dismiss be postmarked by August 10, 2012. The Court also notified plaintiff that his failure to respond to the motion would result in the case being dismissed. Plaintiff has failed to respond and the time for doing so has passed.

Accordingly, the complaint is dismissed without prejudice. The Clerk of the Court is

respectfully directed to close this case. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: Central Islip, New York
October 19, 2012